

PATENT
Docket No. CX03009USU(00CXT0291D)
Serial No. 09/617,587

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AUG 23 2005

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS: Pulley et al.

DOCKET NO.: CX03009USU(00CXT0291D)

SERIAL NO.: 09/617,587

GROUP ART UNIT: 2634

DATE FILED: July 18, 2003

EXAMINER: Ahn, Sam K.

CONFIRMATION NO.: 8634

CUSTOMER NO. 34408

TITLE: RECEIVER CIRCUIT

August 23, 2005

STATEMENT OF JEFFREY C. WILK

Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

I, Jeffrey C. Wilk, submit this declaration in support of the foregoing Petition to Withdraw Holding of Abandonment pursuant to Title 37, Code of Federal Regulations, §1.181(a), related to U. S. Patent Application Serial No. 09/617,587.

1. I am an attorney employed by The Eclipse Group, an intellectual property law firm, and a registered patent attorney, Reg. No. 42,227.

2. I work at the office of The Eclipse Group located in Aliso Viejo, California, whose mailing address is 26895 Aliso Creek Road, Suite B-104, Aliso Viejo, CA 92656.

3. On October 24, 2003, The Eclipse Group faxed an Establishment of Right of Assignee to Take Action and Revocation and Power of Attorney to the Central Fax Number at the United States Patent and Trademark Office ("USPTO"), which instrument appointed

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members of The Eclipse Group as the Assignee's attorneys of record to prosecute Application Serial No. 09/617,587, and also requested that correspondence in respect of the application be sent to The Eclipse Group's Aliso Viejo address. Exhibit A attached to this Statement and incorporated herein by this reference is a true and correct copy of the Establishment of Right of Assignee to Take Action and Revocation and Power of Attorney.

4. On November 30, 2004, The Eclipse Group faxed a request to associate its Customer Number with Application Serial No. 09/617,587 to the USPTO. Exhibit B attached to this Statement and incorporated herein by this reference is a true and correct copy of the request to associate Customer Number with Application Serial No. 09/617,587.

5. On or about July 31, 2005, while preparing a monthly Status Report for the Assignee of Application Serial No. 09/617,587, I noticed that Application Serial No. 09/617,587 was associated with the firm's Customer Number. At that time, I found copies of the Notice of Abandonment mailed June 4, 2004, and the Non-Final Office Action mailed on November 10, 2003, in the private PAIR records of the USPTO.

6. Attached to this Statement as Exhibits C and D and incorporated herein by reference are copies of the Notice of Abandonment mailed June 4, 2004, and the Non-Final Office Action mailed on November 10, 2003, respectively. Exhibits A, B, C, and D are all copies of documents retrieved from the private PAIR records of the USPTO for Application Serial No. 09/617,587. Exhibits C and D indicate that both of these documents were mailed to an address in Boston, Massachusetts.

7. The Eclipse Group's policy at the Aliso Viejo office is that upon receipt of correspondence from the USPTO, immediately the correspondence would be scanned onto a

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hard drive at the office, and the firm's docketing system, the Computer Packages Inc. ("CPI") Patent Management System, would be updated, as appropriate, to note receipt of the correspondence and calculate the appropriate due dates; thereafter, the hard copy of the correspondence would be forwarded to the firm's administrative office at Northridge, California.

8. Had either the Non-Final Office Action or the Notice of Abandoned filed in the case been received at the firm's Aliso Viejo office, I would have followed the procedure set forth in the paragraph above. I have searched, or caused to be searched, the firm's file jackets, electronic files, and the CPI Patent Management System, and have found no record of receipt of either the Notice of Abandonment mailed June 4, 2004, or the Non-Final Office Action mailed on November 10, 2003, in Application Serial No. 09/617,587.

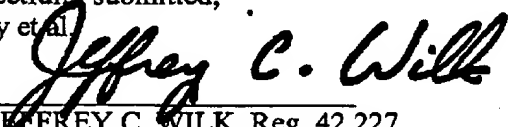
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Based on the foregoing, the undersigned asserts nonreceipt of both the Notice of Abandonment mailed June 4, 2004, and the Non-Final Office Action mailed on November 10, 2003, and therefore respectfully requests that the Notice of Abandonment mailed June 4, 2004, be withdrawn and that U. S. Patent Application Serial No. 09/617,587 be revived.

Respectfully submitted,
Pulley et al.

Dated: August 23, 2005

By:


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